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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,829	11/03/2003	Kenneth E. Feuerman	07844-612001	6257
21876	7590	11/29/2006	EXAMINER	
FISH & RICHARDSON P.C. P.O. Box 1022 MINNEAPOLIS, MN 55440-1022			SAIN, GAUTAM	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/700,829

Applicant(s)

FEUERMAN, KENNETH E.

Examiner

Gautam Sain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 8-12, 22, 24, 31-35 and 45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 8-12, 22, 24, 31-35 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

- 1) This is a Final rejection in response to amendments/remarks file on 8/31/2006.
- 2) Claims 1, 8-22, 24 and 31-45 are pending. Claims 13-21 and 36-44 were previously withdrawn. Claims 2-7, 23, 25-30 and 46 are cancelled.
- 3) Effective filing date is 1/3/03.
- 4) Examiner withdraws rejection under 35 USC 101.

***Claim Rejections - 35 USC § 102***

- 5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 5-1) Claims 1, 8-12, 22, 24, 31-35 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Wynblatt et al (US 6711714, filed Feb 2, 2000).**

Regarding independent claims 1, 12, 22, 24, 35 and 45, Wynblatt teaches the amended limitations of defining zoning information identifying a location of the data fields of the audio-based form; defining structural information about the one or more data fields; encoding the zoning and structural information in one or more audio signals; and incorporating the one or more audio signals including the encoded and structural information into the audio-based form. For example, Wynblatt teaches a linearization of frameset for audibly rendering structured document frames including accessing a

document including a frameset that are set according to positional locations of each frame in the frameset such that each frame is uniquely ordered in the frameset for an audio browser for interactive voice browsing for visually impaired users to access the WWW (col 1, lines 42-49; col 5, lines 32-35).

**Regarding claims 8 and 31**, Wynblatt teaches the zoning information including temporal location of each of the data fields in an audio recording and temporal dimensions of each of the data fields. Wynblatt discloses an linear ordered frames in a frameset according to how the order they will be ordered (col 3, lines 58-62).

**Regarding claim 9 and 32**, Wnblatt teaches a name for the data fields. For example, indexing and ranking the frames requires a naming scheming for each frame in the frameset (col 2, lines 1-10).

**Regarding claim 10 and 33**, Wynblatt teaches a description of user data expected to be filled in each field. For example, replacement of the content of a frame with a document file (col 5, lines 10-15).

**Regarding claim 11 and 34**, Wynblatt teaches where data entered on the form by a user can be extracted from the audio-based form based on the encoding zoning and structural information without access to a source of zoning or structural information external to the form. Wynblatt discloses a frameset with replacement of the content of a frame in accordance with another document file (e.g., an HTML file) where the HTML document authors can design the HTML frameset in which the hyperlinks are located in the frames that cause activation and cause the contents of another frame to be replaced with the new HTML file (col 5, lines 10-18).

***Response to Arguments***

Applicant's arguments with respect to claims 1, 8-12, 22, 24, 31-35 and 45 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GS  
GS 11/20/06

  
Heather R. Herndon  
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